

Docket No.: 058799-0051



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of	:	Customer Number: 20277
Shigeto OEDA, et al.	:	Confirmation Number: 8545
Application No.: 09/975,001	:	Group Art Unit: 2143
Filed: October 12, 2001	:	Allowed: March 8, 2007
	:	Examiner: J. E. Avellino
For: LOG ACCUMULATION DEVICE WITH USER ACCURACY SETTING MEANS AND PSEUDO-INFORMATION GENERATING MEANS (As Amended)		

REQUEST FOR ACKNOWLEDGEMENT OF THE CITED ART

Mail Stop ISSUE FEE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

We are in receipt of the Notice of Allowance dated March 8, 2007.

In reviewing the file, it is noted that we have not received acknowledgement of the Information Disclosure Statement and cited art filed March 9, 2007. Enclosed are copies of the Information Disclosure Statement, PTO-1449 and the associated USPTO Acknowledgement Receipt.

Applicant hereby respectfully requests that:

- (1) the appropriately acknowledged PTO-1449 be furnished to Applicant; and

No.: 09/975,001

(2) the record be clarified to confirm that the cited art has been considered and made of record.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP

A handwritten signature in black ink, appearing to read "Keith E. George", written over the printed name.

Keith E. George

Registration No. 34,111

600 13th Street, N.W.
Washington, DC 20005-3096
Phone: 202.756.8000 KEG:bd
Facsimile: 202.756.8087
Date: June 1, 2007

**Please recognize our Customer No. 20277
as our correspondence address.**

WDC99 1404558-1.058799.0051

Acknowledgement Receipt

The USPTO has received your submission at **15:04:36** Eastern Time on **09-MAR-2007** by Deposit Account: 500417.

\$ **790** fee paid by e-Filer via *RAM* with Confirmation Number: 103.

You have also pre-authorized the following payments from your USPTO Deposit Account:

Charge any Additional Fees required under 37 C.F.R. Section 1.16 and 1.17

**eFiled Application Information**

EFS ID	1579717
Application Number	09975001
Confirmation Number	8545
Title	Log accumulation device with user accuracy setting means and pseudo-information generating means
First Named Inventor	Shigeto Oeda
Customer Number or Correspondence Address	McDermott, Will & Emery 600 13th Street, N.W. Washington DC 20005-3096 US 2027568087
Filed By	Keith E. George/04235/Anne Richardson
Attorney Docket Number	58799-051
Filing Date	12-OCT-2001
Receipt Date	09-MAR-2007
Application Type	Utility

FEES:
\$790/#1

Application Details

Submitted Files	Page Count	Document Description	File Size	Warnings
58799-051_RCE.pdf	1	Request for Continued Examination (RCE)	67677 bytes	▲ WARNINGS
This is not a USPTO supplied RCE SB30 form.				
58799-051_IDS.pdf	3	Information Disclosure Statement (IDS) Filed	81131 bytes	▲ WARNINGS
This is not an USPTO supplied IDS fillable form				
58799-051_JPOA1.pdf	4	NPL Documents	149678 bytes	◆ PASS
58799-051_JPOA2.pdf	2	NPL Documents	91269 bytes	◆ PASS
58799-051_JP11284584.pdf	16	Foreign Reference	1291441 bytes	◆ PASS

58799-051_JP10303983.pdf	20	Foreign Reference	1578320 bytes	◆ PASS
58799-051_JP04057588.pdf	8	Foreign Reference	301197 bytes	◆ PASS
58799-051_JP00032499.pdf	10	Foreign Reference	686965 bytes	◆ PASS
58799-051_JP00032498.pdf	10	Foreign Reference	688318 bytes	◆ PASS
fee-info.pdf	2	Fee Worksheet (PTO-06)	8207 bytes	◆ PASS

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111

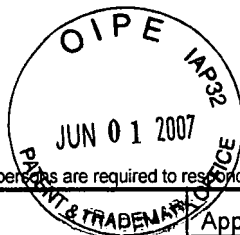
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371

If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

If you need help:

- *Call the Patent Electronic Business Center at (866) 217-9197 (toll free) or e-mail EBC@uspto.gov for specific questions about Patent e-Filing.*
- *Send general questions about USPTO programs to the [USPTO Contact Center \(UCC\)](#).*
- *If you experience technical difficulties or problems with this application, please report them via e-mail to [Electronic Business Support](#) or call 1 800-786-9199.*



PTO/SB/30 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Request for Continued Examination (RCE) Transmittal

Address to:
Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/975,001
Filing Date	October 12, 2001
First Named Inventor	Shigeto OEDA, et al.
Art Unit	2143
Examiner Name	J. E. Avellino
Attorney Docket Number	058799-0051

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Education (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).
- a. ☐ Previously submitted If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.
- i. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____
- ii. ☐ Other _____
- b. ☒ Enclosed
- i. ☐ Amendment/Reply
- iii. ☒ Information Disclosure Statement (IDS)
- ii. ☐ Affidavit(s)/Declaration(s)
- iv. ☐ Other _____
2. **Miscellaneous**
- a. ☐ Suspension of action of the above-identified application is requested under 37 CFR 1.103(c) for a period of ____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)
- b. ☐ Other _____
3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.
- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 500417. I have enclosed a duplicate copy of this sheet.
- i. ☒ RCE fee required under 37 CFR 1.17(e) \$790
- ii. ☐ Extension of time fee (37 CFR 1.136 and 1.17)
- iii. ☐ Other _____
- b. ☐ Check in the amount of \$ _____ enclosed
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Signature	<i>Keith E. George</i>	Date	March 9, 2007
Name (Print/Type)	Keith E. George	Registration No.	34,111

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Signature		Date	
Name(Print/Type)			

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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Application No.: 09/975,001	:	Group Art Unit: 2143
Filed: October 12, 2001	:	Examiner: J. E. Avellino

For: INFORMATION PROCESSING APPARATUS, LOG ACCUMULATION CONTROL DEVICE, CONTENTS DELIVERY CONTROL DEVICE, AND CONTENTS DELIVERY SYSTEM USING THESE

INFORMATION DISCLOSURE STATEMENT

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In accordance with the provisions of 37 C.F.R. 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached form PTO-1449. It is respectfully requested that the references be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is being filed with a Request for Continued Examination. No certification or fee is required.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

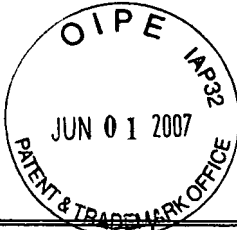
McDERMOTT WILL & EMERY LLP



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Facsimile: 202.756.8087
Date: March 9, 2007

**Please recognize our Customer No. 20277
as our correspondence address.**



SHEET 1 OF 1

INFORMATION DISCLOSURE
CITATION IN AN
APPLICATION

(PTO-1449)

ATTY. DOCKET NO.
058799-0051SERIAL NO.
09/975,001APPLICANT
Shigeto OEDA, et al.FILING DATE
October 12, 2001GROUP
2143

U.S. PATENT DOCUMENTS

EXAMINER'S INITIALS	CITE NO.	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US			
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FOREIGN PATENT DOCUMENTS

EXAMINER'S INITIALS	CITE NO.	Foreign Patent Document Country Codes-Number + -Kind Codes (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines Where Relevant Figures Appear	Translation Yes No
		JP10-303983	11/13/1998	Yamagishi		Abstract
		JP04-057588	2/25/1992	Murase		Abstract
		JP2000-032498	1/28/2000	Nagano et al.		Abstract
		JP2000-032499	1/28/2000	Nagano et al.		Abstract
		JP11-284584	10/15/1999	Inoue et al.		Abstract

OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER'S INITIALS	CITE NO.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.
		Japanese Office Action for 200-389946, dated 8/11/2006 - designated (1)
		Japanese Office Action for 2000-389946, dated 12/1/2006 - designated (2)

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Customer Number: 20277

Shigeto OEDA, et al.

Confirmation Number: 8545

Application No.: 09/975,001

Group Art Unit: 2143

Filed: October 12, 2001

Allowed: March 8, 2007

Examiner: J. E. Avellino

For: LOG ACCUMULATION DEVICE WITH USER ACCURACY SETTING MEANS AND
PSEUDO-INFORMATION GENERATING MEANS (As Amended)

**COMMENTS ON STATEMENT OF
REASONS FOR ALLOWANCE
UNDER 37 C.F.R. § 104(e)**

Mail Stop Issue Fee
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

A Statement of Reasons for Allowance accompanied the March 8, 2007 Notice of Allowability regarding the above-identified application. The March 8, 2007 Statement is a cursory reference back to a more detailed Statement, which was provided in the October 10, 2006 Office Action. Although Applicants agree that the claims are patentable over the art, entry of the Statements into the record should not necessarily be construed as any agreement with or acquiescence by Applicants in the particular reasoning set forth in the Statements, particularly to the extent that the wording used in the October 10, 2006 Statement differs substantively from the actual claim language and/or the otherwise proper interpretation of the claim language.

The Statements are not attributable to Applicants, and Applicants' positions on patentability are already on the record. Also, the language used in the October 10, 2006

Statement does not correspond to the actual recitations of independent claim 4. For example (only), the Statement refers to “dummy” information and to specific ratios of 40% and 60%. The claim does not recite dummy information and does not require any specific ratio.

The October 10, 2006 Statement concludes “For these reasons, in conjunction with the other limitations of the allowed independent claim,” claim 4 is allowable. However, that Statement provided a general argument that did not identify any specific “limitations of the allowed independent claim,” and as such, did not particularly match the claim recitations. Hence, it is unclear what “limitations” or “other limitations” are relevant to the Statement. Further the reference to the “in conjunction with the other limitations” should not be construed as placing any additional weight on or cumulative requirement for patentability with regard to any “other” individual elements of the claim.

It is respectfully submitted that the allowed claims should be entitled to the broadest reasonable interpretation and to the broadest range of equivalents that are appropriate in light of the language of the claims, the supporting disclosure and Applicants’ prosecution of the claims, without reference to the Statement of Reasons for Allowance.

To the extent necessary, if any, a petition for an extension of time under 37 C.F.R. § 1.136 hereby made. Please charge any shortage in fees due in connection with the filing of this

09/975,001

paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY LLP



Keith E. George

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Date: June 1, 2007

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